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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,245	12/02/2003	Simon Robert Walmsley	PEA04US	4557
24011	7590	11/07/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			UHLENHAKE, JASON S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,245

Applicant(s)

WALMSLEY ET AL.

Examiner

Jason Uhlenhake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/727,163. Although the conflicting claims are not identical, they are not patentably distinct from each other because a printer controller being configured to order and time supply of the dot data to the printhead modules anticipates being configurable during or after manufacture to order and time supply of dot data to the printhead modules such that the difference in the printing widths of the printhead modules and any relative displacement between the printing nozzles.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Teshigawara et al (U.S. Pub. 2002/0171709)

Teshigawara discloses:

- ***regarding claim 1***, a printer controller (200) for supplying dot data to a printhead in a predetermined order comprising at least first and second printhead modules (Figure 4), each comprising a plurality of printing nozzles spanning a respectively different printhead width (Figure 4; Paragraph 0050), the printhead modules being disposed adjacent to each other such that a printing width of the printhead is wider than each of the respective printing widths of the printhead modules
- order and time supply (predetermined processing) of the dot data to the printhead modules such that the difference in the printing widths (Figure 4) of the printhead modules are at least partially compensated for (Controller 200; Paragraphs 0037, 0041, 0043, 0048-0049)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshigawara et al (U.S. Pub. 2002/071709) in view of Hackleman et al (U.S. Pat. 5,719,602).

Teshigawara discloses all of the claimed limitations except for the following:

- ***regarding claim 2***, a printhead modules comprise a plurality of rows of the printing nozzles, the controller being configured to supply the dot data to the rows of nozzles in serial form
- ***regarding claim 3***, a controller configured to serially supply the data to a first row of nozzles , the data being serially clocked through the first for of each pair of rows, then through a second row of each pair of rows, until all printhead nozzles have received their respective data.

Hackleman et al discloses the following:

- ***regarding claim 2***, a printhead modules comprise a plurality of rows of the printing nozzles, the controller being configured to supply the dot data to the rows of nozzles in serial form (Column 5, Lines 34-57) for the purpose of controlling the firing of printhead nozzles as a function of media speed.

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- **regarding claim 3**, a controller configured to serially supply the data to a first row of nozzles, the data being serially clocked through the first for of each pair of rows, then through a second row of each pair of rows, until all printhead nozzles have received their respective data. (Column 5, Lines 34-57) for the purpose of adjusting nozzle time to print, thus the time to complete a print job is less.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of a printhead modules comprise a plurality of rows of the printing nozzles, the controller being configured to supply the dot data to the rows of nozzles in serial form; a controller configured to serially supply the data to a first row of nozzles, the data being serially clocked through the first for of each pair of rows, then through a second row of each pair of rows, until all printhead nozzles have received their respective data as taught by Hackleman into the device of Teshigawara. The motivation for doing so would have been to increase the speed of printing.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teshigawara et al (U.S. Pub. 2002/071709) as modified by Hackleman et al (U.S. Pat. 5,719,602) as applied to claim 1 above, and further in view of Kamoshida et al (U.S. Pub 2002/0075339).

Teshigawara as modified by Hackleman et al discloses all of the claimed limitations except for the following:

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- **regarding claim 4**, data is clocked through the second row in a direction substantially opposite to that in which it was clocked through the first row

Kamoshida et al discloses the following:

- **regarding claim 4**, data is clocked through the second row in a direction substantially opposite to that in which it was clocked through the first row (Paragraphs 0005, 0011).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of data clocked through the second row in a direction substantially opposite to that in which it was clocked through the first row as taught by Kamoshida et al into the device of Teshigawara as modified by Hackleman et al. The motivation for doing so would have been to improve the efficiency of the printing mechanism and thus improving the quality of printing.

Response to Arguments

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejections regarding Teshigawara et al (U.S. Pub. 2002/071709).

Applicant argues that independent claim 1 is patentably distinct from pending independent claim 1 of copending Application No. 10/727,163. However, the submitted amended Claim 1 (8/21/2006) of Application No. 10/727,163 clearly discloses ordering and timing the supply of the dot data to the printhead modules such that the difference in the printing widths of the printhead modules and any relative displacement between

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the printing nozzles of the printhead modules in a direction normal to the printhead printing width are at least partially compensated for

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

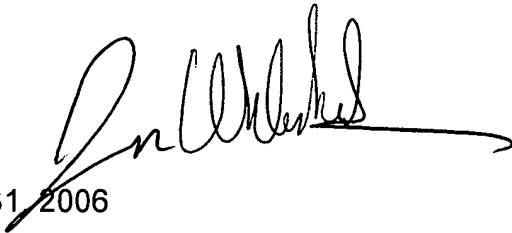
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSU
October 31, 2006



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER